IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17879 of 2003

Between:

1 M/s.Satya Sai Chemicals & Feeds, rep. by K.V.S.S.Prasada Rao,
"Sai Geetalata" H.No.4-4-214/1&2, Inderbagh, Sultan Bazar, Hyderabad-195.
2 Smt.K.Leela Prasad, W/o.K.V.S.S.Prasad Rao,
"Sai Geetalata" H.No.4-4-214/1&2, Inderbagh, Sultan Bazar, Hyderabad-195.

..... PETITIONERS

AND

1 The Union of India, rep. by its Secretary, Ministray of Law, Sastry Bhavan,
R.P.Road, New Delhi.
2 The Prudential Co-operative Bank Ltd., R.P.Road, Secunderabad, rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of Mandamus striking down the Sections 13,15 & 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act 2002 as they are illegal, arbitrary, violative of cardinal principles of natural Justice as also set aside the notification dt.28.1.2003 of the Ministry of Finance and Company Affairs (Department of Economic Affairs (Banking Division) by which the said Act 2002 is made applicable to Co-operative Banks in violation of the provisions of Banking Regulation Act, 1949 as also Articles 14, 19 & 21 of Constitution of India besides

against the Doctrine of Election and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.

Counsel for Petitioners: MR. D.V.BHADRAM

Counsel for respondent No.1: SC for Central Government

Counsel for Respondent No.2: Mr. S.Ashok Anand Kumar

W.P.M.P. NO : 22280 of 2003

Between:

1 M/s.Satya Sai Chemicals & Feeds, rep. by K.V.S.S.Prasada Rao, "Sai Geetalata" H.No.4-4-214/1&2, Inderbagh, Sultan Bazar, Hyderabad-195.
2 Smt.K.Leela Prasad, W/o.K.V.S.S.Prasad Rao, "Sai Geetalata" H.No.4-4-214/1&2, Inderbagh, Sultan Bazar, Hyderabad-195.

..... PETITIONERS

AND

1 The Union of India, rep. by its Secretary, Ministray of Law, Sastry Bhavan, R.P.Road, New Delhi.
2 The Prudential Co-operative Bank Ltd., R.P.Road, Secunderabad, rep. by its Managing Director.

.....RESPONDENTS

Petition under Section 151 C.P.C praying that in the circumstances stated in the accompanying Affidavit filed herein, the High Court may be pleased to grant stay of all further proceedings pursuant to the notice Ref.No.PCB,RP/AR/Est/454 dt.13.5.2003 under Sec.13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act 2002, issued by the 2nd respondent herein to the petitioners herein pending disposal of the writ petition and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.

Counsel for Petitioners: MR. D.V.BHADRAM

Counsel for Respondent No.2: Mr. S.Ashok Anand Kumar

-

-

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

W.P.M.P.No.22280 of 2003

In view of the dismissal of the writ petition, interim directions stand vacated and the W.P.M.P. stands disposed of as such.

-

DEVINDER GUPTA, CJ

-

-

-

G.ROHINI, J

17th June, 2004.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 **The Union of India, rep.by its Secretary Ministry of Law, Sastry Bhavan R.P.Road, New Delhi.**

2.2CD copies